

1004 NON-FINANCIAL ELIGIBILITY PROVISIONS
1004.05 INTRODUCTION
REV:08/2001

This section outlines all the non-financial criteria a household must meet. Prior to determining a household's eligibility and benefit level, these non-financial criteria must be met by all household members for whom application has been made. This section also provides instructions on how to handle households which are ineligible after such a review.

These criteria are delineated in the major subsections below:

- * Residency Section 1004.10
- * Household Composition Section 1004.15
- * Citizenship and Immigration Status Section 1004.20
- * Work Requirements Section 1004.25
- * Work Requirements for Able-Bodied Adults Without Dependents (ABAWDS) Section 1004.27
- * Voluntary Quit Section 1004.30
- * Students Section 1004.35
- * Social Security Numbers Section 1004.40
- * Identity Section 1004.45

1004.10 RESIDENCY
REV:08/2001

A household must be living in the project area where it files an application for participation. No individual may participate as a member of more than one household or in more than one project area in any month unless an individual is a resident of a shelter for battered women and children as defined in 1000.10.25 and was a member of a household containing the person who had abused her or him. Residents of shelters for battered women and children are handled in accordance with Section 1014.50.

Residency must not be interpreted to mean domicile which is sometimes defined as the legal place of residence or principle home. No durational residency requirements must be imposed. An otherwise eligible household must not be required to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Residency must not mean an intent to permanently reside in the state. However, a person in the state solely for vacation must not be considered a resident.

To facilitate participation by homeless households who are otherwise eligible, EBT cards and Personal Identification Numbers (PIN) should be issued at screening. Such households should pick up their EBT cards and PIN at the local Food Stamp/Welfare Office that is authorizing participation. Such a household must be entered in the Food Stamp computer file using the local office's address as the household's mailing address to insure adequate administrative monitoring.

1004.10.05 Reporting
REV:08/1986

The application contains spaces for both a physical address and a mailing

address. If the two are different, the agency representative should request that both addresses be given. A mailing address only, such as post office box or a rural route, is not sufficient as it does not indicate that the household resides in the state. If the address is a rural route, information should be given to identify the exact location of the home.

1004.10.10 Mandatory Verification
REV:08/2001

The residency requirement must be verified except in unusual cases (such as a homeless household, a migrant farm worker household or a household newly arrived in the project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification of residence cannot be accomplished in conjunction with the other verification, then the agency representative may use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed.

The document(s) used to satisfy this requirement must be listed in the case log (CLOG).

Home Visit Home visits must be used as verification only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household. Any such arrangements must be explained in the case log (CLOG).

Collateral Contact A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the phone. The acceptability of a collateral contact must not be restricted to a particular individual but may be anyone who can be expected to provide an accurate third party verification of the household's statements(See 1001.60.25). Any such contacts should be explained in the case log (CLOG).

1004.15 HOUSEHOLD COMPOSITION
REV:08/2001

Households must list on their applications the various members they wish to be considered for food stamp benefits. If questionable, the agency representative should examine each application to determine if there are members who may not be eligible to participate in the household's receipt of benefits.

Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness are responsible for proving a claim of separateness (at the agency's request) in accordance with the provisions of Section 1010.30.05. Separate household status must be detailed in the case log (clog).

1004.20 CITIZENSHIP AND QUALIFIED ALIEN STATUS
REV:04/2003

To receive Food Stamp Program benefits, an individual must be either:

- * A citizen of the United States as described in Section 1004.20.05; or

* An eligible qualified alien as described in Section
1004.20.10.

A household with a member who does not meet either of the above criteria must not be prevented from applying and, if eligible, receiving benefits for the remaining eligible members of the household. Procedures for handling households with undocumented immigrants are found in Section 1004.20.35.

1004.20.05 U.S. Citizenship - Definition
REV:01/2002

For Food Stamp Program purposes, the United States is defined as the fifty (50) States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition, nationals from American Samoa and Swain's Island are considered United States citizens for food stamp purposes.

1004.20.05.05 Verification of U. S. Citizenship
REV:02/1989

U.S. citizenship must be verified only when the citizenship statement is inconsistent with other information on the application, previous applications or other documented information known to the agency representative. For example, verification would be required where a household presented an apparently counterfeit social security card, an employment office report stating that an individual was denied a job due to lack of U.S. citizenship, or a student reporting that tax dependency was not an issue because his/her parents resided in another country.

1004.20.05.10 How to Verify U. S. Citizenship
REV:08/2001

When a household's statement that one or more of the members are U.S. citizens is questionable, the agency representative must request the household to provide acceptable verification.

Acceptable forms of verification include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by INS, such as Identification Cards for Use of Resident Citizens in the United States (INS Form I-179 or INS Form I-197) or U.S. Passports.

Participation in the FIP program may also be considered acceptable verification if verification of citizenship was obtained for that program.

If the above forms of verification cannot be obtained, and the household can provide a reasonable explanation as to why verification is not available, the agency representative may accept a signed statement from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement must contain a warning of the penalties for helping someone commit fraud, such as, "If you intentionally give false information to help this person get food stamps, you may be fined, imprisoned, or both."

A member whose citizenship is in question is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is in question has his/her income, less a pro rata share, and all his/her resources considered available to any remaining household members as set forth in Section 1016.20. A case log entry should be made which indicates how citizenship was verified for each household member.

1004.20.10 Qualified Aliens - Policy

Prior to certification, the agency representative must determine the alien status of household members listed on the application as aliens. In doing this, however, the agency representative must not contact the Immigration and Naturalization Services (INS) without the written consent of the alien. (This procedure is not applicable to SAVE policy in Section 1083.) Use of INS documentation is the primary source of verification.

Eligibility for participation in the Food Stamp Program is limited to aliens who:

- * are in a qualified alien category; and
- * meet a condition that allows qualified aliens to get food stamps.

A qualified alien means an alien who at the time the alien applies for or receives food stamps is in one of the following categories as determined by the Immigration and Naturalization Service (INS) of the U.S. Department of Justice (DOJ):

- * Lawfully admitted for permanent residence (LPR) in the United States (holders of green cards). This category also includes "Amerasian immigrants" as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;
- * Granted asylum under section 208 of the Immigration and Nationality Act (INA);
- * Refugee admitted to the United States under section 207 of the INA;
- * Paroled into the United States under section 212(d)(5) of the INA for at least one (1) year;
- * Deportation is being withheld under section 243(h) of the INA as in effect before 4/1/97, or removal is withheld under section 241(b)(3) of the INA;
- * Granted conditional entry under section 203(a)(7) of the INA as in effect before 4/1/80;
- * Cuban or Haitian entrant under section 501(e) of the Refugee Education Assistance Act of 1980; or
- * Under certain circumstances, a battered immigrant spouse, battered immigrant child, immigrant parent of a battered child or an immigrant child of a battered parent with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA.

To qualify for food stamps, qualified aliens must also meet ONE of the following conditions and are either eligible indefinitely or limited to a maximum of seven (7) years.

The following categories are eligible for food stamps indefinitely:

- * An LPR who can be credited with forty (40) qualifying quarters of work under the Social Security system (credits may be earned individually, in combination with a spouse and in some circumstances a parent);

- * An elderly individual who was born on or before August 22, 1931 and who was lawfully residing in the United States on August 22, 1996;
- * Children under eighteen (18) years of age;
- * Blind or disabled individuals receiving benefits or assistance for their condition as defined under section 3(r) of the Food Stamp Act regardless of when they entered the United States;
- * An individual who has lived in the United States as a qualified alien for five (5) years from the date of entry; or
- * An individual who is lawfully residing in a State and is on active duty (other than for training) in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard (but not full-time National Guard) or is an honorably discharged veteran whose discharge is not because of alien status. This category includes the spouse (or surviving spouse who has not remarried) or unmarried dependent children of these individuals. A discharge "Under Honorable Conditions" does not meet this requirement.
- * The following qualified aliens are eligible to receive food stamps during the first seven (7) years they are admitted or granted status in one of the following categories. Note: If these individuals meet one of the other conditions above, they are eligible indefinitely. For example, refugees are eligible indefinitely once they have met the five (5) year requirement.
- * Refugee admitted under section 207 of the INA (including immigrants who have been certified by the U.S. Department of Health and Human Services to be victims of a severe form of trafficking in persons in accordance with the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386);
- * Asylee granted asylum under section 208 of the INA;
- * Deportation withheld under section 243(h) or removal withheld under section 241(b)(3) of the INA;
- * Cuban or Haitian entrant under section 501(e) of the Refugee Education Assistance Act of 1980; or
- * Amerasian immigrant under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.

The following categories of non-citizens are eligible for food stamps on the same basis as citizens (i.e., they do not have to be qualified aliens):

- * Naturalized citizens. (Technically, these individuals are not considered aliens since they have the same status as citizens.)
- * American Indians born in Canada living in the United States

under section 289 of the INA or non-citizen members of a Federally-recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act. This provision is intended to cover Native Americans who are entitled to cross the United States border into Canada or Mexico. It includes, among others, the St. Regis Band of the Mohawk in New York, the Micmac in Maine, the Abenake in Vermont, and the Kickapoo in Texas.

- * An individual lawfully residing in the United States who was a member of a Hmong or Highland Laotian tribe that rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (August 5, 1964 - May 7, 1975). This category includes the spouse (or unremarried surviving spouse) or unmarried dependent children of these individuals.

1004.20.10.05 Verification of Status for Sec. 1004.20.10
REV:09/1997

Acceptable verification of qualified alien status is:

For refugee status, INS Form I-94 annotated: "Admitted as a refugee pursuant to Section 207 of the INA..."

For asylee status, INS Form I-94 annotated: "Asylee status granted pursuant to Section 208 of the INA valid to (date)."

For deportation withheld status, an order from an Immigration judge which shows deportation has been withheld under Section 243(h) or section 241(b)(3) of the INA.

For Cuban/Haitian entrants, INS Form I-94 annotated "Paroled under Sec. 212(d)(5), usually stamped "Cuban/Haitian".

For Amerasian immigrants, INS Form I-94 annotated with the codes AM6, AM7, or AM8; an I-551 with the codes AM6, AM7, or AM8; or a Vietnamese Exit Visa, Vietnamese passport, or U.S. passport, if stamped by INS with the codes AM1, AM2, or AM3.

INS Form I-688B will not be considered acceptable verification for the above statuses. Although I-688B indicates alien status, it does not reflect the date that status was granted. Therefore, it does not establish that the alien is eligible based on being in the United States less than five (5) years.

For lawfully admitted for permanent resident status, INS Form I-151 (being replaced by I-551).

Honorary discharge status, U.S. military discharge certificate (DD Form 214) that shows CHARACTER OF SERVICE as "Honorable" and does not show, in the NARRATIVE REASON FOR DISCHARGE entry, that the discharge was based on alien status, lack of U.S.

citizenship, or other "alienage" reason.

Active duty member of U.S. Armed Force status, green service identity card (U.S. Form DD-2) or (rarely) red service identity card and copy of current orders showing active duty (not active duty for training purposes only).

For verification of number of qualifying quarters of coverage that can be credited from the alien, her/his spouse, and/or her/his parents, use the certified earnings records from the Social Security Administration.

Certain categories of immigrants who have been subjected to battery or extreme cruelty in the United States by a family member with whom they reside are provided qualified alien status under Section 431 of PRWORA. Qualified alien status also extends to an immigrant whose child or an immigrant child whose parent has been abused. Additionally, this group of battered immigrants is exempt from deeming requirements as outlined in Section 1014.55.15.05.

An alien is a qualified alien as a battered immigrant if s/he meets the following four (4) requirements. In general, these rules apply to abused immigrants who are (or were) married to Legal Permanent Residents (LPRs) or U.S. citizens, or whose parents are LPRs or citizens:

- * The battered immigrant must show that s/he has an approved or pending petition which makes a prima facie case for immigration status in one of the following categories: 1) a Form I-130 filed by their spouse or the child's parent; 2) a Form I-130 petition as a widow(er) of a U.S. citizen; 3) an approved self-petition under the Violence Against Women Act (including those filed by a parent); or 4) an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
- * The immigrant, the immigrant's child or the immigrant child's parent has been abused in the United States under the following circumstances:
- * The immigrant has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the immigrant, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
- * The immigrant's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the alien, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consents to the battery or cruelty, and the immigrant did not actively participate in the battery or cruelty.
- * The parent of an immigrant child has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent, if the spouse consents to or acquiesces in such battery or cruelty.
- * There is a substantial connection between the battery or extreme cruelty and the need for food stamps; and
- * The battered immigrant, child, or parent no longer resides in the same household as the abuser.

The conditions discussed above only establish that the battered immigrant is a qualified alien. In order for the immigrant to qualify for food stamp benefits based on her or his immigration status, such a qualified alien must meet the other conditions for eligibility such as the five (5) year residency requirement or an LPR with 40 qualifying quarters of work.

The five (5) year residency period begins when the prima facie case

determination is issued or when the abused immigrant's I-130 visa petition is approved. In making its determination, the agency representative must remember that the relevant date for this immigrant's eligibility is the date that s/he obtained qualified alien status as an abused immigrant rather than the date of that individual's immigration status, such as that of an LPR.

Examples to assist the agency representative determine whether a substantial connection exists between the battery or extreme cruelty and the applicant's need for public benefits include the following situations where benefits are needed: to enable the applicant and the applicant's child or parent to become self-sufficient; to escape the abuser or community in which the abuser lives or to ensure the safety of the applicant; because of a loss of financial support, dwelling, or source of income due to separation from the abuser; to alleviate nutritional risk; or for medical attention, mental health counseling, or because of a disability that resulted from the abuse.

1004.20.35 Illegal Aliens

REV:08/2001

When a household is unable , or unwilling, to provide documentation of alien status for any household member, that member is classified as an ineligible alien. When a person is unable, or unwilling, to provide documentation of his/her alien status, that person is classified as an ineligible alien. In such cases the agency representative does not continue efforts to obtain documentation and does not report him/her to the INS office. Only in those instances where the agency representative has seen the deportation notice can the immigrant be reported to the INS office.

1004.20.40 Need for Documentation

REV:06/1991

The agency is responsible to offer to contact INS when the alien has an INS document which does not clearly indicate eligible or ineligible alien status. The agency does not need to offer to contact INS on the alien's behalf when the alien does not provide an INS document. However, when the agency accepts non-INS documentation determined to be reasonable evidence of the alien's immigration status, the agency representative must photocopy the document and transmit it to the INS for verification. Pending such verification, the agency must not delay, deny, reduce, or discontinue the individual's eligibility for benefits on the basis of the individual's immigration status. The agency does not need to receive the alien applicant's written consent in order to transmit the photocopy to INS.

The agency must provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status as of the 30th day following the date of application.

A reasonable opportunity is at least ten days from the date of the agency's request for an acceptable document. When the agency accepts non-INS documentation and fails to provide an alien applicant with a reasonable opportunity as of the 30th day following the date of application, the agency must provide the household with benefits no later than 30 days following the date of application provided the household is otherwise eligible.

1004.20.45 Certification of Remaining Household Members

REV:08/2001

A non-citizen is ineligible for food stamp benefits until acceptable verification is provided unless:

1. The FS worker has submitted a copy of a document provided by the non-citizen to INS for verification. Pending such verification, the worker cannot reduce, delay, deny or terminate the immigrant's benefits on the basis of the individual's immigration status; or
2. The applicant or the FS worker has submitted a request to the Social Security Administration for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than forty (40) quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the ET must certify the individual pending the results of the investigation for up to six (6) months from the date of the original determination of insufficient quarters; or
3. The non-citizen applicant or the FS worker has submitted a request to a federal agency for verification of information which bears on the non-citizen's eligible alien status. The FS worker must certify the individual pending the results of the investigation for up to six (6) months from the date of the original request for verification.

In all other situations, while awaiting acceptable verification, the alien member(s) of the household whose status is questionable is not eligible. The income and resources of the ineligible alien must be treated in the same manner as an ineligible individual, and must be considered available in determining the eligibility of any remaining members. (Cash payments from the ineligible alien member(s) to the household are considered income under the normal income standards found in Section 1010.) The alien(s) with unverified status must be considered an ineligible member(s) and the eligibility of the remaining household members (if any) must be determined as defined in Section 1016.20. If the agency representative determines from discussions with the household that the alien either does not wish to contact INS, or does not give the agency representative permission to make the contact for him/her, the household is given the option of withdrawing its application or participating without the alien member. However, should the agency representative subsequently receive verification of eligible alien status, the agency representative must act on the information as a reported change in household membership in accordance with the timeliness standards set in Section 1018.20.

1004.25 WORK REQUIREMENTS
REV:06/1987

The Food Stamp Act requires certain unemployed adults who are members of eligible households to register for work, and to comply with all the employment and training requirements.

Specifically, each household member who is not exempt, must register for employment at the time of application, and once every twelve (12) months after initial registration, as a condition of eligibility. The registration form need not be completed by the member required to register; it can be completed by a responsible household member or an authorized representative.

Strikers whose households are eligible under the criteria in Section 1014.25 are subject to the work registration requirements unless exempt under 1004.25.05 of this section at the time of application.

1004.25.05 Exemptions from Work Registration

REV:06/1991

The following persons are exempt from the work registration requirement:

- * Persons Under 16 or Over 60 Years of Age
- * Persons Physically or Mentally Unfit
- * Persons Who Are Participants in the JOBS Program
- * Persons Who Are Caretakers
- * Recipients of Unemployment Compensation
- * Addicts and Alcoholics
- * Employed Persons
- * Self-employed Persons
- * Persons Who Are Students
- * Applicants for SSI and Food Stamps

1004.25.05.05 Persons Under 16 or Over 60 Years of Age
REV:06/1987

Persons younger than 16 years of age or 60 years of age or older.

If a child has his/her 16th birthday within the certification period, the child must fulfill the work registration requirement as part of the next scheduled recertification process unless otherwise exempt.

Also exempt is a person age 16 or 17 who is not a head of household or who is attending school or is enrolled in an employment training program on at least a half-time basis.

1004.25.05.10 Persons Physically or Mentally Unfit
REV:08/2001

Persons who are physically or mentally incapable of gainful employment either permanently or temporarily. Persons claiming a temporary incapacity must be required to register once they become physically and mentally fit for employment.

* Verification

Eligibility for and receipt of benefits from SSI is prima facie evidence of unemployability. In the case of an SSI household containing an "essential person", the individual situation must be examined to determine whether that essential person must register. In addition, receipt of disability payments under the Social Security Program (Retirement, Survivors and Disability Insurance (RSDI)) is considered proof of disability for purposes of this exemption.

Other individuals claiming a physical or mental unfitness exemption should furnish other verification which can substantiate such unfitness or documentary evidence which supports the claim. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist. If the individual cannot afford to pay a physician, the agency representative should provide the address of the appropriate Rhode Island Health Center. Adequate documentation should appear in the case record to support the granting of this exemption. Additionally, a case log (clog) entry detailing the exemption is required. Receipt of Workers' Compensation may

also indicate temporary disability.

1004.25.05.15 Work Requirements for FIP recipients
REV:08/2001

A household member subject to and complying with any work registration requirement under Title IV-A of the Social Security Act, including the FIP Employment Plan is exempt from the food stamp work requirement.

A household member who is required to register for work under a Title IV-A program and who fails to comply with a registration requirement which is not comparable with the food stamp work registration requirement must not be denied food stamp benefits solely for this failure. The member loses his/her special exemption and must register for work with the Food Stamp Program if not otherwise exempt.

1004.25.05.20 Persons Who Are Caretakers
REV:08/2001

A parent or other household member who is responsible for the care of a dependent child under six (6) or an incapacitated person. If the child has his/her sixth birthday within a certification period, the individual responsible for the care of the child must fulfill the work registration requirement as part of the next scheduled recertification process, unless that individual qualifies for another exemption.

* Verification

If a parent and another member of the household both claim to be responsible for the care of the same dependent child or incapacitated adult, the actual responsibility should be determined by discussion with the applicant. A summary of the fact leading to the exemption should be made in the case log.

1004.25.05.25 Recipients of Unemployment Compensation
REV:06/1987

A person who is in receipt of Unemployment Compensation (UCB). A person who has applied for, but has not yet begun to receive UCB is also exempt, but only if that person was required to register for work with the Department of Employment Security (DES) as part of the UCB application process. If the exemption claimed is questionable, the agency representative is responsible to verify the exemption by seeing the individual's DES book.

If a person's UCB expires or is suspended, s/he must register for work unless otherwise exempt. A household member who is required to register for work under the UCB program and who fails to comply with a work registration requirement which is not comparable with the food stamp work registration requirement must not be denied food stamp benefits solely for this failure. Such member loses his/her special exemption and must register for work with the Food Stamp Program if not otherwise exempt.

1004.25.05.30 Addicts and Alcoholics
REV:06/1987

A regular participant in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or nonresident basis.

* Verification

Regular participation in the program may be verified through the organization or institution operating the program.

1004.25.05.35 Employed Persons
REV:06/1987

A person who is employed and working a minimum of thirty hours weekly or receiving weekly earnings at least equal to the Federal minimum wage multiplied by (30) hours is exempt. This includes migrant and seasonal farmworkers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this does not prevent individuals from seeking additional services from the Department of Employment Security).

* Verification

If a person claims to be exempt by reason of employment of at least 30 hours per week, verification of the amount of income received from such employment, as is elsewhere required for certification, is sufficient to establish the exemption, provided the amount of income appears to be consistent with employment for thirty (30) hours a week under the general conditions prevailing in the community. However, if the individual does not meet this test, but still claims to be employed, then, in cooperation with the agency representative, the applicant is requested to supply documentary evidence of the existence of an employee - employer relationship and that the number of hours worked is equivalent to thirty (30) hours a week.

Factors to be considered, while not all inclusive, are:

- 1.Does the wage meet State, Local or Federal minimums?
- 2.Have deductions of amounts for Federal and/or State income taxes, Social Security tax, etc., been made by the employer?
- 3.Does the employer pay unemployment insurance premiums on behalf of the employee?

* Hobbies, Volunteer Work, etc.

Persons engaged in hobbies or volunteer work or any other activity which cannot (because of the minimal amount of monies received from such activity) be considered as gainful employment, must not be considered exempt from work registration regardless of the amount of time spent in such activity.

1004.25.05.40 Self-employed Persons
REV:06/1987

Persons who are self-employed and working a minimum of thirty (30) hours weekly or receiving weekly earnings equal to the Federal minimum wage multiplied by thirty (30) hours.

* Verification

If a person claims to be exempt by reason of self - employment, verification of the amount of income received from self-employment is sufficient to establish the

exemption, provided the amount of income appears to be consistent with a conclusion of full-time (30) hours a week) employment. If the income is not sufficient, but the person still claims to be self-employed, such person must cooperate with the agency representative in establishing that the income received from the self-employment enterprise is at least sufficient to be considered gainful employment and that the volume of work claimed justifies a determination that the self-employment enterprise is a full-time job for the purposes of this exemption. The household must cooperate in providing adequate documentation to substantiate the claim.

1004.25.05.45 Persons Who Are Students
REV:06/1987

A student enrolled at least half-time in any recognized school, training program, or institution of higher education, provided that a student enrolled at least half time in an institution of higher education has met the eligibility requirements in Section 1014.20. A student enrolled in a school, training program or institution of higher education remains exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out or does not intend to register for the next normal school term (excluding summer school.) A person who is not enrolled at least half-time or who experiences a break in enrollment status due to graduation, expulsion, or suspension, or who drops out or otherwise does not intend to return to school, must not be considered a student for the purpose of qualifying for this exemption.

* Verification

For students, aged 16 through 59, the agency representative may check with the institution or place of training, to determine if the school or training program is recognized by a Federal, State or local government agency, and if the student's hours meet the half-time requirement. Persons enrolled in correspondence courses where physical attendance is not regularly required are not exempt.

1004.25.05.50 Applicants for SSI and Food Stamps
REV:06/1987

Household members who are applying for SSI and food stamps under SSI/Food Stamp joint application processing have the requirement for work registration waived until:

- * they are determined eligible for SSI and thereby become exempt from work registration; or,
- * they are determined ineligible for SSI and, where applicable, a determination of their work registration status is then made through recertification procedures, in accordance with Section 1018.15.

1004.25.10 Determining Exemptions to Work Registration
REV:06/1987

The agency representative determines which household members meet the exemption to the registration requirements at the time of initial certification, recertification, change in employment status, or the required twelve-month registration period.

In general, work registration exemptions must be verified prior to certification only if inconsistent with other information on the application, previous applications, or other documented evidence known to the agency.

1004.25.15 Loss of Exemption Status
REV:08/2001

Persons losing exemption status due to any changes in circumstances which are subject to the reporting requirements described in Section 1018.05 (such as loss of employment that also results in a loss in earned income of more than one hundred dollars (\$100.00) a month, or departure from the household of the sole dependent child for whom an otherwise non-exempt household member was caring) must register for employment when the change is reported.

If the change is reported in person by the household member required to register, the person should complete the work registration form at the time the change is reported, unless this is not possible, in which case the household member must return the form to the agency representative within 10 days.

If the change is reported in person by a household member other than the member required to register, the person reporting the change may complete the form at the time the change is being reported or deliver the form to the member required to register.

If the change is reported by phone or through the mail, the agency representative is responsible for providing the participant with a work registration form.

Participants are responsible for returning the form to the agency representative within 10 calendar days from either the date the form was handed to the household member reporting the change in person, or the date the agency representative mailed the form. If the participant fails to return this form, a notice of adverse action must be issued stating that the participant or, if the individual is the head of household, the household is being terminated and the reason, but that the household can avoid termination by returning the form.

Those persons who lose their exemption due to a change in circumstances that is not subject to the reporting requirements of Section 1018.05 must register for employment at their households' next recertification.

1004.25.20 Work Registration Procedures
REV:08/2001

The agency must register for work each household member who is not exempt as defined in the provisions in 1004.25.05. When it is determined that an applicant/recipient must register, the agency representative must explain to the applicant/recipient the pertinent work requirements, the rights and responsibilities of the work-registered household member(s) and the consequences of failure to comply. A written summary (RIFS-510) of these matters is provided to each work registrant. It is also provided to a previously exempt member or a new household member who becomes subject to the work registration requirement.

Work registration is accomplished by completing the RIFS-511, in duplicate, for each household member required to register for employment. This form may be completed by the applicant or authorized representative for each household member who is required to register for employment. The date the registration form is completed is recorded in the case log (CLOG).

1004.25.20.05 Screening for Referral for E & T Activities

REV:08/2001

Upon certification of the household for food stamp benefits, all mandatory work registrants are referred for employment and training activities to the Food Stamp Employment and Training Program or to the assigned FIP SW. Additionally, any food stamp recipient who is exempt from work registration may volunteer for employment and training activities by completing an RIFS-511. Referral to the FS E&T Program or FIP SW is accomplished by forwarding the original copy of the RIFS-511, attached to a Transmittal Sheet (FSP-100), to the FS E&T Program, 206 Elmwood Avenue, Rhode Island 02907 or through an InRhodes referral.

1004.25.20.10 Annual Renewal of Work Registration

REV:06/1988

A work registration form (RIFS-511) is completed for all non- exempt household members at initial food stamp certification and every twelve (12) months thereafter. At each food stamp recertification, the agency representative must check the RIFS- 511 in the case record to ensure that it is not older than twelve months.

1004.25.20.15 Reporting Changes

REV:01/2002

The ET must notify the FIP social worker or the FS E&T worker anytime a work registrant becomes exempt from the work registration requirements or is no longer certified for participation in the program. Such notification is provided within fifteen (15) days from the date the change becomes known to the ET, by forwarding an RIFS-512 or completing an InRhodes referral to the FIP social worker or the FS E&T worker.

1004.25.20.20 Reconsideration of Registrant Status

REV:08/2001

If the Eligibility Technician has required an individual to register for work and the FS E&T Program worker disagrees, a request is made to reconsider the determination by using the RIFS-512 and listing the reason for such a request. The ET will confer with his/her supervisor and decide either to uphold or reverse the decision. This response is accepted as final.

1004.25.25 Work Registrant Requirements

REV:08/2001

All mandatory work registrants must:

- * Participate in an employment and training program if assigned by the agency;
- * Respond to a request from the food stamp representative or the FIP Program for supplemental information regarding employment status or availability for work;
- * Report to an employer when referred by the FIP social worker or the FS E&T Program if the potential employment meets the suitability requirements in 1004.25.40;
- * Accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable State or Federal minimum wage.

1004.25.30 Employment and Training Activities

Persons required to register for work and not exempt from placement in an Employment and Training Activity are subject to the work and/or training requirements imposed by the agency for such individuals. These persons are referred to as Employment and Training (E&T) mandatory participants. Requirements may vary among participants depending on the E & T component to which they are assigned. Failure to comply without good cause with the requirements imposed by the agency results in disqualification as specified in 1004.25.35. Additionally, recipients who are exempt from work registration or E & T participation may volunteer to participate in an E & T activity. Such volunteers are not subject to disqualification for failure to meet participation requirements.

The Food Stamp E&T Program or the FIP Program, are the units within DHS responsible for employment services, and administering the employment and training activities delineated in 1004.25.30.05 and 1004.25.30.10. Social caseworkers in the FIP Program assess FIP recipients and the FS E&T workers assess individuals referred from the Food Stamp Program and assign them to an appropriate E&T component.

Upon receipt of the RIFS-511, an appointment letter (FM/L1) is sent to the E&T participant to schedule a work orientation/employability assessment interview. A copy of the RIFS-510, Work Registration Notice, is enclosed with the appointment letter. If the registrant fails to keep the appointment or reschedule the appointment, the FS E&T worker will initiate the conciliation process (see Sec.

1004.25.35.03) by sending an FM/L3 (conciliation conference letter).

1004.25.30.05 Work Orientation/Employability Assessment
REV:11/1987

An evaluation of employability skills coupled with counseling on how and where to search for employment comprise this activity.

Using established interview techniques, the social caseworker elicits information needed to assess employability. At the same time, the social caseworker explains the available employment services as well as the participant's responsibilities.

During this assessment, the social caseworker determines, if appropriate, whether the participant's mandatory work registration status is valid. If there is a need to redetermine the work registration status, an RIFS-512 is sent to the FSP representative. A decision is made by the FSP representative within thirty (30) days.

At the conclusion of this one-day assessment process, a decision is made, based on the participant's employability and the availability of employment services, to assign that person to the most suitable component. These components are described in 1004.25.30.10.

1004.25.30.10 E & T Components
REV:08/2001

Following are the components that comprise the employment and training activities into which food stamp recipients are assigned.

Group Job Search Component

Group Job Search is a service provided in a three week structured workshop setting consisting of: training in the use of canvassing to obtain job interviews; instruction in completing job applications and writing resumes; developing job interview skills; and advice on dressing for interviews. Peer group support and exploration of individual career interests are among the methods used. The latter part of the period is spent on developing actual employment interviews obtained through the Job Bank, by telephoning companies listed in the yellow pages, or developing job leads through other sources.

Individual (or Independent) Job Search Component

Individual (or Independent) Job Search is a service provided to those work registrants, who during the previous six (6) months, have either been employed or have successfully completed or participated in Vocational Training, Job Club, Group Job Search Workshop, or an approved educational course. Participants are required to contact twenty-four (24) employers; a minimum of twelve (12) in the first thirty (30) days, the remainder in the second thirty (30); they are to report weekly to their Food Stamp E&T Program case worker for monitoring of their progress.

Vocational Skills Training Component

Through contractual arrangement, opportunities for vocational skills training are made available to E&T participants who have some work experience but do not possess occupationally-oriented skills. Work registrants are provided with occupational skills through full-time OJT with private employers, classroom training from twelve (12) hours weekly in vocational technical schools to thirty (30) hours weekly in Workforce Investment Act activity, the community college and other occupational training programs. Services are designed to enable the participant to re-enter the labor market. Depending on the service placement selected and, as monitored by the Food Stamp E&T Program case worker, participation in a service lasts from two (2) to twelve (12) weeks.

Remedial and Basic Education Component

E&T participants may be referred to an educational activities component in order to improve their basic reading and math skills, and subsequently, to improve their employment prospects. These activities are Literacy Training, Basic and Remedial Education, Graduate Equivalency Diploma (GED) Training and English as a Second Language (ESL). Assignment to these educational activities is based on a joint assessment by the Food Stamp E&T case worker and the service providers. The programs in this plan will last from between four (4) and twenty-six (26) weeks. All educational activities to which work registrants are referred will meet the minimum requirement of twelve (12) hours per month for two (2) months.

Unassigned Status

Those registrants who, after completion of the assessment

interview, are determined exempt from employment and training activities, are placed in an unassigned status. Such persons are subject to review periodically by the Food Stamp E&T Program. Persons are assigned to this status for the following reasons:

- * Geographic exemption: This is evaluated on a case-by-case basis for registrants in the towns of Burrillville, Charlestown, Coventry, Exeter, Foster, Glocester, Hopkinton, Jamestown, Little Compton, Narragansett, New Shoreham, Richmond, Scituate, Tiverton, West Greenwich, and Westerly. Distance from E&T service sites and employment opportunities may make it impractical for some mandatory registrants to participate.
- * The E&T registrant does not have access to child care and has a child between six to twelve years of age.
- * The E&T registrant is incapacitated. This must be verified by an appropriate health care provider and be expected to last longer than sixty (60) days.
- * The E&T registrant lacks housing. The appropriate Food Stamp staff will assist those registrants determined to be homeless to participate, when possible, in the E&T activities. However, when the lack of housing is combined with other mitigating problems which preclude participation, such as mental illness or substance abuse, an exemption will be assigned.

Persons who are homeless are referred to the appropriate DHS office for assistance in obtaining both immediate and long-term shelter.

- * The E&T registrant displays indications of mental illness to the Food Stamp E&T Program social caseworker. Such persons should be referred to an appropriate mental health agency.
- * The E&T registrant displays current evidence of substance abuse.

Cases of all Food Stamp recipients in unassigned status must have a case log entry made in the InRhodes file explaining this status.

1004.25.30.15 Outcomes of Assigned Components
REV:11/1987

If the participant completes the assigned component and locates employment, the social caseworker informs the agency representative via an RIFS-512. The agency representative acts on this change in circumstances in accordance with Section 1018.05.

1004.25.30.20 Support Services
REV:08/2001

- * Transportation Allowance

Upon written documentation from the service provider, the FS E&T worker may authorize an expense payment of \$3.00 per day for each day the participant is involved in a component activity, up to a maximum of \$25 per month. In some instances, the social worker may authorize an advance payment of \$12.50 to enable the participant to begin an E&T component. Upon receipt of signed attendance forms from the provider, the FS E&T worker may authorize a second payment of \$12.50 when the participant reaches the halfway point of the component activity. In either circumstance, the appropriate agency supervisor approves the authorization of payment. The transportation allowance is excluded from income in the calculation of food stamp benefits.

* Dependent Care Reimbursement

The Department provides participants in the employment and training components reimbursement up to \$160 per month per dependent for dependent care expenses that are incurred while fulfilling an E&T obligation. Reimbursement is limited to dependent care expenses for children under age thirteen (13) and incapacitated persons. If an individual's dependent care costs exceed \$160 per month per dependent, s/he may be exempt from participation in an E&T component in accordance with Section 1004.25.30.10.

To receive reimbursement for dependent care expenses, the participant and the provider must complete on a monthly basis Form RIFS-600, Authorization for Reimbursement of Dependent Care Expenses. This form documents the monthly total paid to the provider by the recipient, the dependents cared for, hours per day, and days per week that care was provided. Upon receipt of the RIFS-600, the FS E&T worker prepares a Path/FS-15, PATHWAYS/Food Stamp E&T Expense Authorization Form, for submission to the DHS Program Planner. Copies of the Path/FS-15 are sent to the Food Stamp Business Office at 206 Elmwood Avenue, Providence, for disbursement of funds to the E&T program. The reimbursement check is mailed (or given, if appropriate) to the E&T participant.

No reimbursement is made for payment to providers who reside in the same household as the dependent child or incapacitated person.

Recipients of FIP are not eligible for the dependent care reimbursement as described under this provision.

The Dependent Care Reimbursement is excluded from income in calculating food stamp benefits. Further, in accordance with Section 1010.20.05, an expense which is covered by an excluded reimbursement is not deductible when determining the amount of the dependent care deduction used to calculate the amount of food stamp benefits.

* Work-Readiness Fee

The Department provides allowances of up to \$75 for E&T participants to meet certain training needs. In the non-vocational education component, course registration fees and such materials as may be needed to complete the course may qualify. In the vocational training component, program registration fees, miscellaneous equipment (e.g., stethoscopes, special shoes, and uniforms) required by a program under the vocational component may also qualify for the use of this fee. The fee is authorized by the FS E&T worker for a participant who is actively engaged in an approved E&T component. This fee is excluded as income for Food Stamp Program purposes.

1004.25.35 Failure to Comply With a Work Requirement
REV:12/1994

If an individual (other than the head of household, as defined in 1002.35.05), who is required to register and participate refuses or fails without good cause

to comply with the requirements imposed by this section, that individual is ineligible to participate in the Food Stamp Program and is treated as an ineligible household member. (See Section 1016.20.05.)

If the head of household who is required to register and participate fails to comply, the entire household is ineligible to participate as provided below.

Length of Sanction

Ineligibility in both cases continues for two (2) months or until the member who caused the violation:

- * Complies with the requirements of this section;
- * Leaves the household; or
- * Becomes exempt from work registration, as provided in 1004.25.05, (other than through the exemptions for the JOBS Program participants or UCB recipients);

whichever occurs first.

When a noncompliant head of household moves from one household to another, a sanction is imposed on the new household for the remainder of the disqualification period if s/he is designated the head of household. If the individual moves into a household in which an adult parent of children has been selected head of household, the household sanction can not be imposed unless the new household designates her/him as its head. If the member who failed to comply joins another household where s/he is not the head of household, the individual is to be ineligible for two (2) months and must be considered an ineligible household member as provided in Section 1016.20.05.

1004.25.35.03 Conciliation
REV:08/2001

When a registrant fails to comply by failing to appear for a scheduled appointment, or is placed into a component and fails to continue with or complete that component, the FIP social worker or the FS E&T worker sends a conciliation conference letter (FM/L3). This letter informs the individual that s/he is failing to comply with the program requirements and provides the date of a conciliation conference to give the registrant an opportunity to prove good cause for non-compliance. It also notifies the individual that failure to attend the conference may result in sanctions on his or her food stamp benefits, and gives the termination date of the conciliation process. The conciliation period lasts no longer than fifteen (15) calendar days from the first working day following the date that the DHS social worker or the FS E&T worker learns of the non-compliance.

The conciliation time period also applies to registrants who are initially placed in a component and fail to continue or complete that component. To avoid a sanction, the individual must demonstrate that s/he has begun or been reinstated into a component within the conciliation period time frame. In order to achieve compliance, the noncomplying household member must perform a verifiable act of compliance such as attending a job search training session or submitting a list of job contacts. Verbal commitment by the household member is not sufficient unless the individual is prevented from complying by circumstances beyond his or her control such as the unavailability of a suitable component or whether a placement within that component exists. If the conciliation period ends and the registrant has failed to comply without good cause with FIP or FS E&T, the case worker will complete a referral through InRhodes to the food stamp eligibility technician notifying of the non-compliance.

If it is apparent that the registrant will not comply, the FIP social worker or FS E&T worker may terminate conciliation prior to the end of the fifteen day period and issue the InRhodes referral.

Instances in which this may occur include, but are not limited to, verbal or written refusal without good cause. In every case, the registrant's failure to comply must be fully documented in the case log.

Upon receipt of the RIFS-512 or an InRhodes referral, the eligibility worker provides the individual with a notice of adverse action according to the procedures described in Sec. 1004.25.35.10.

However, the FIP social worker or FS E&T worker may, if verification is received that the registrant complied with employment and training requirements after the end of the conciliation period, cancel a notice of adverse action by sending another InRhodes referral advising of the change in compliance status. The eligibility technician then ends the disqualification as described in Sec. 1004.25.45.

1004.25.35.05 Determining Good Cause
REV:08/2001

The FIP Social Worker or the FS E&T worker is responsible for determining good cause in those instances when a work registrant has failed to comply with the employment and training requirements of this section. The agency representative determines good cause in cases when an applicant has voluntarily quit a job.

Both the FIP Program representative and the Food Stamp Program agency representative must consider the facts and circumstances, including information submitted by the household member involved and the employer.

Good cause includes circumstances beyond the member's control, such as, but not limited to:

- * Illness or incapacity;
- * Illness of another household member sufficiently serious to require the presence of the registrant;
- * Unanticipated household emergency;
- * Court-required appearance;
- * Incarceration;
- * Breakdown in transportation arrangements with no readily accessible means of transportation;
- * Inclement weather which prevented the registrant and other persons similarly situated from traveling to, or participating in the prescribed activity;
- * Problems caused by the inability of the registrant to speak, read or write English;
- * Lack of adequate child care for children who have reached age six (6) but are under age twelve (12).

1004.25.35.10 Notice of Adverse Action

Within five (5) days of determining that the noncompliance with the E&T requirement was without good cause, the FS E&T representative notifies the Food Stamp Eligibility Technician of the noncompliance via an RIFS-512.

Within ten (10) days of determining the noncompliance was without good cause, the agency must provide the individual and/or household with a notice of adverse action (NOAA), as specified in Section 1018.10. The agency representative notifies the individual and/or household of this action through an INRHODES notice generated at approval. Such notification must state the particular act of noncompliance committed, the proposed period of disqualification and must specify that the individual or household may reapply at the end of the disqualification period. Information is also included describing the action which can be taken to end or avoid the sanction. The disqualification period begins with the first month following the expiration of the adverse notice period, unless a fair hearing is requested. (An RIFS-512 is returned to the FS E&T Program with the date of the NOAA.)

Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of non-exempt status, or determination of failure to comply with the work registration or employment and training requirements of this section. Individuals or households may appeal agency actions such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters. The Food Stamp Eligibility Technician and the FS E&T Program representative should receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative is available for questioning on the telephone during the hearing. A household must be allowed to examine its employment component case file at a reasonable time before the date of the hearing, except for confidential information (which may include test results) that the agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing. The results of the hearing are binding on the agency.

1004.25.35.15 Non-Compliance - FIP/UCB Work Requirement
REV:08/2001

A household containing a member who was exempt from food stamp work registration in accordance with 1004.25.05 because s/he was registered for work under the FIP Program or Unemployment Compensation and who fails to comply with a FIP or Unemployment Compensation requirement comparable to a food stamp employment and training requirement, is treated as though the member failed to comply with the food stamp requirement.

If a household member has refused or failed without good cause to comply with a FIP or Unemployment Compensation requirement, the agency representative determines whether the requirement was comparable. Similarly, if the household reports the loss or denial of FIP or Unemployment Compensation or if the agency representative otherwise learns of such loss or denial, the agency representative determines whether the loss or denial was caused by a determination by the DLT that a household member refused or failed without good cause to comply with the work requirement and, if so, whether the requirement was comparable to the employment and training requirement. The FIP or Unemployment Compensation requirement is not considered comparable if it places responsibilities on the household which exceed those imposed by the food stamp employment and training requirements.

If the agency determines that the FIP or Unemployment Compensation requirement

is comparable, the individual or household (if the individual who committed the violation is the head of household) must be disqualified in accordance with the following procedures:

The agency must provide a notice of adverse action as specified in Section 1018.10 within ten (10) days after learning of the household member's non-compliance with the FIP or Unemployment Compensation requirement. The notice must comply with the requirements of 1004.25.35.10.

An individual or household should not be disqualified from participation if the noncomplying member meets one of the work registration exemptions provided in 1004.25.05 other than the exemptions provided for FIP or UCB registration and participation of that section.

Household members who fail to comply with a non-comparable FIP or Unemployment Compensation requirement lose their exemption under 1004.25.05 and must register for work, if required to do so in 1004.25.20.

If the agency representative's determination of non-compliance with a comparable FIP or Unemployment Compensation work requirement leads to a denial or termination of the household's food stamp benefits, the individual or the household has a right to appeal the decision.

A disqualified individual or household may resume participation in the program in accordance with 1004.25.45.

1004.25.40 Suitable Work

REV:01/2002

Any employment is considered suitable if:

The wage offered is at least the highest of:

- * the applicable Federal minimum wage;
- * the applicable State minimum wage; or,
- * eighty percent (80%) of the Federal minimum wage, if neither the State or Federal minimum wage is applicable.

The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably expect to earn at least equals the applicable hourly wages specified above.

The registrant, in order to be hired or to continue working, is not required to join, resign from, or refrain from joining any legitimate labor organization.

The work offered is not at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (Taft-Hartley), or unless an injunction has been issued under Section 10 of the Railway Labor Act.

Employment is considered suitable unless the registrant demonstrates, or the agency representative determines, that:

- * The risk to health and safety is unreasonable.
- * The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
- * The employment offered within the first thirty (30) days of registration is not in the registrant's major field of experience.

* The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath and not affect the household's eligibility.

Following the end of the two-month disqualification period for failure or refusal to register for work, or non-compliance with employment and training requirements by the head of the household, participation may resume if the disqualified individual or household applies again and is determined eligible.

Eligibility may also be reestablished within a disqualification period if the household is otherwise eligible and the member who caused the disqualification becomes exempt from the work requirement, is no longer a member of the household (although any new household containing this member must be subject to disqualification for the remainder of the disqualification period), or the member complies as follows:

- 1004.25.50 Reporting Requirements
REV:08/2001

The Food Stamp Employment and Training Program representative must report to the agency representative within five (5) working days of becoming aware that the registrant has obtained employment or has failed to comply without good cause. Such information is forwarded using Form RIFS-512.

The household is required to report all changes in income, such as a job placement. The requirements for reporting changes in household circumstances are discussed in Section 1018.

1004.27 TIME LIMIT FOR ABLE-BODIED INDIVIDUALS
REV:08/2001

Unless exempt, an individual is ineligible to participate in the Food Stamp program as a member of any household if s/he has, in the previous thirty-six (36) months, received food stamp benefits for three (3) months (consecutive or otherwise) during which s/he did not:

- * Work twenty (20) or more hours per week, averaged monthly;
- * Participate in and comply with the requirements of a work program for more than twenty (20) or more hours per week;
- * Participate in and comply with the requirements of an appropriate Food Stamp E&T (unpaid) Work Experience program;
- * Receive benefits due to exemption from these work requirements (Exemptions are located in Sections 1004.25.05 and 1004.27.05.); or
- * Receive benefits due to regaining eligibility as discussed in Section 1004.27.10.

A work program is defined as:

- * A program under the Workforce Investment Act (WIA);
- * A program under section 236 of the Trade Act of 1974 (known as the Trade Readjustment Act or "Trade Program"); and
- * The Food Stamp E&T Program.

Pro-rated months are not counted towards the three (3) months (consecutive or otherwise) of eligibility in a thirty-six (36) month period for ABAWD individuals.

Households adversely affected by this provision must be issued timely and adequate notice of such determination.

1004.27.05 Exemptions from Time Limits
REV:01/1998

An individual is exempt from the time limit set forth in Section 1004.27 if s/he is:

- * Under eighteen (18) or over fifty (50) years of age (a person is considered over age fifty (50) on her or his fiftieth (50th) birthday);
- * Medically certified as physically or mentally unfit for

employment;

- * A parent or other member of a household with the responsibility for a dependent child;
 - * Pregnant; or
 - * Otherwise exempt pursuant to Section 1004.25.05.
- 1004.27.10 Provision for Regaining Eligibility
REV:08/2001

An individual denied eligibility due to the time limit shall regain eligibility to participate in the Food Stamp program if during a thirty (30) day period, the individual:

1. Works eighty (80) or more hours;
2. Participates in and complies with the requirements of a work program as defined in Section 1004.30 for eighty (80) or more hours; or
3. Participates in and complies with the requirements of an appropriate Food Stamp Employment and Training (unpaid) Work Experience program.

If an individual loses this employment or ceases to participate in a work or workfare program, participation can continue for up to three (3) consecutive months (beginning from the date the agency representative is notified that work has ended, after which the only cure during the thirty-six (36) month period will be to comply with the work requirement or become exempt.

1004.30 VOLUNTARY QUIT PROVISION
REV:08/2001

No household is eligible to participate in the Food Stamp Program as specified below when the head of household (as defined in 1002.35.05) voluntarily and without good cause quits a job of twenty (20) hours a week or more, within the sixty (60) days prior to the date of application or at anytime thereafter. At the time of application, the agency representative must explain to the applicant the consequences of the head of household quitting his/her job without good cause and the consequences of a person joining the household as its head if that person has voluntarily quit employment.

Persons who are exempt from the work registration provisions are exempt from the voluntary quit provision. For example, a FIP recipient is exempt from the voluntary quit provision as s/he is considered registered for employment services by virtue of signing the DHS-2, Statement of Need.

1004.30.05 Determination of Voluntary Quit
REV:01/1989

When a household files an application for participation, or when a participating household reports the loss of a source of income, the agency representative must determine whether any household member voluntarily quit his/her job. Benefits are not delayed beyond the normal processing times outlined in 1001.65.15 pending the outcome of this determination.

This provision applies only if:

- * the employment involved twenty (20) hours or more per week or provided weekly earnings at least equivalent to the

Federal minimum wage multiplied by twenty (20) hours;

- * the quit occurred within sixty (60) days prior to the date of application or anytime thereafter; and,
- * the quit was without good cause.

Changes in employment status which result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer are not considered a voluntary quit for purposes of this section.

If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his/her own loses the new job, the earlier quit does not form the basis of a disqualification.

An employee of the Federal Government or of a State or local government who participates in a strike against such government, and is dismissed from his/her job because of participation in the strike, must be considered to have voluntarily quit his/her job without good cause.

1004.30.10 Applicant Households
REV:01/1989

In the case of an applicant household, the agency representative must determine whether any currently unemployed (i.e., employed less than twenty (20) hours per week or receiving less than weekly earnings equivalent to the Federal minimum wage multiplied by twenty (20) hours) household member who is required to register for work has voluntarily quit his/her most recent job within the last sixty (60) days.

If the agency representative learns that a household has lost a source of income after the date of application but before the household is certified, the agency representative must determine whether a voluntary quit occurred.

1004.30.15 Participating Households
REV:01/1989

In the case of a participating household, the agency representative must determine whether any household member voluntarily quit his/her job while participating in the program, or in the time between application and certification.

1004.30.20 Head of Household
REV:12/1994

When a determination of voluntary quit is established for a household member, the agency representative then determines if the member who quit is the head of household as defined in 1002.35.05.

1004.30.25 Determination that Quit was with Good Cause
REV:01/1989

Upon a determination that the head of household voluntarily quit employment, the agency representative must determine if the voluntary quit was with good cause as defined in 1004.30.45.

1004.30.30 Disqualification for an Applicant Household
REV:01/1989

In the case of an applicant household, if the voluntary quit was without good cause, the household's application for participation is denied and sanction imposed for 90 days, starting from the date of the quit. The agency

representative must provide the applicant household with a notice of denial in accordance with Section 1012.25. The notice must inform the household of the following:

- * the period of disqualification;
- * the right to reapply at the end of the 90-day period; and
- * the right to a fair hearing.

1004.30.35 Disqualification for Participating Household
REV:01/1989

If the agency representative determines that the head of a participating household voluntarily quit his/her job while participating in the program or later discovers a quit occurred within sixty days prior to application or between application and certification, s/he provides the household with a notice of adverse action as specified in Section 1018.10., within ten days after the determination of a voluntary quit is made.

Such notification must contain:

- * the particular act of noncompliance which was committed;
- * the proposed period of disqualification;
- * the actions which may be taken to end or to avoid the disqualification: and,
- * specification that the household may reapply at the end of the disqualification period.

Except as otherwise specified in this section, the period of ineligibility runs continuously for three (3) months or ninety (90) days beginning with the first of the month after all normal procedures for taking adverse action have been followed. The 90- day disqualification period may be converted to a three (3) calendar month period only for participating households.

If a voluntary quit occurs in the last month of a certification period or is determined in the last thirty (30) days of the certification period, the household is denied recertification for a period of ninety (90) days beginning with the day the certification period ends. If such a household does not apply for food stamp benefits by the end of the certification period, a claim is established for the benefits received by the household for up to ninety days beginning the first of the month after the month in which the quit occurred. If there are fewer than ninety days from the first of the month after the month in which the quit occurred to the end of the certification period, a claim is imposed. The household remains ineligible for benefits for a prorated number of days, with the end result that a claim was established or the household was ineligible for a full ninety days.

Each household has a right to a fair hearing to appeal a reduction or termination of benefits due to a determination that the head of household voluntarily quit his/her job without good cause. If the participating household requests a fair hearing and the agency's determination is upheld, the disqualification period begins with the first of the month after the hearing decision is rendered.

Persons who have been disqualified for quitting a job as head of one household must carry their sanction with them if they join a new household as its head. The new household is ineligible for the remainder of the sanction period unless

the person who caused the disqualification ends it in a manner prescribed in 1004.30.50.

1004.30.40 Application in 3rd Disqualification Month
REV:01/1989

If an application for participation in the program is filed in the third month of disqualification, the agency representative must use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligible criteria are met.

1004.30.45 Good Cause
REV:06/1991

Good cause for leaving employment includes the good cause provisions specified in 1004.25.35.05 and resigning from a job that does not meet the suitability criteria specified in 1004.25.40.

Good cause for leaving employment also includes:

- * discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
- * work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
- * acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the primary wage earner to leave employment;
- * acceptance by any other household member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education in another area which requires the household to move and thereby requires the primary wage earner to leave employment;
- * resignations by persons under the age of sixty (60) which are recognized by the employer as retirement;
- * employment which becomes unsuitable by not meeting the criteria as specified in 1004.25.40., after the acceptance of such employment;
- * acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by twenty (20) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than the Federal minimum wage multiplied by twenty (20) hours; and
- * leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. Even though work may not yet be available at the new job site,

the quitting of the previous employment is considered as with good cause if it is part of the pattern of that type of employment.

1004.30.50 Verification
REV:01/1989

Verification of questionable information provided by the household is obtained as specified in Section 1002.60.10. The client is the primary source. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the agency representative offers assistance to obtain the needed verification.

Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives, and grievance committees or organizations.

Whenever documentary evidence cannot be obtained, the agency representative substitutes a collateral contact. The agency representative is responsible for obtaining verification from acceptable collateral contacts provided by the household.

A household is eligible when the requested verification is unattainable because the cause for the quit resulted from circumstances which, for good reason, cannot be verified, such as a resignation from employment due to discrimination practices, unreasonable demands by an employer, or because the employer cannot be located.

1004.30.55 Ending a Voluntary Quit Disqualification
REV:01/1989

Following the end of the disqualification period, a household may begin participation in the program if it applies and is determined eligible.

Eligibility may be reestablished during a disqualification period and the household, if otherwise eligible, permitted to resume participation if the member who caused the disqualification secures new employment which is comparable in salary or hours to the job which was quit, or leaves the household. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. Eligibility may also be reestablished if the violator becomes exempt from the work registration requirements through 1004.25.05., other than paragraphs 1004.25.05.15. or 1004.25.05.25. Should a household which has been sanctioned split into more than one household, the sanction must follow the member who caused the disqualification. If a head of household who committed the violation joins another food stamp household as head of the household, that household is ineligible for the balance of the period of ineligibility.

A household determined ineligible due to a voluntary quit without good cause may reestablish eligibility if a new and otherwise eligible member joins as its head of household as defined in 1002.35.05.

1004.35 STUDENTS
REV:04/1993

Any person who is (1) aged 18 through 49; (2) physically and mentally fit; and, (3) enrolled at least half-time in an institution of higher education shall be ineligible to participate in the Food Stamp Program unless such person complies with the eligibility requirements described in 1004.35.05.

"Institution of higher education" means any institution which normally requires

a high school diploma or equivalency for enrollment.

This rule does not apply to persons under 18 or over 50, persons physically or mentally unfit for employment, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education. Such persons are certified in accordance with Section 1014.20.

If inability to work due to mental or physical unfitness is claimed, verification is required. Receipt of temporary or permanent disability benefits issued by governmental or private sources is sufficient verification. These benefits include, but are not limited to, TDI, SSI, RSDI disability benefits, and Workers' Compensation. For an individual who does not receive any such benefits, a statement from a physician or licensed or certified psychologist is sufficient verification.

1004.35.05 Eligibility Requirements

REV:08/2001

In order to be eligible to participate in the Food Stamp Program, any student (as defined in 1004.35) must meet at least one of the following criteria:

1. Under age 18 or age 50 or older;
2. Not physically or mentally fit;
3. Employed and paid for a minimum of 20 hours per week;
4. Receiving FIP;
5. Responsible for the care of a child under age 6;
6. Enrolled full-time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12 (regardless of the availability of child care);
7. Responsible for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program;
8. Participating in a state or federally funded work study program (funded under Title IV-C) during the regular school year;
9. Assigned to or placed in an institution of higher learning through:
 - a. the Workforce Independence Act (WIA) program,
 - b. a food stamp employment or training program,
 - c. a program under section 236 of the Trade Act of 1974, or
 - d. a state or local government employment and training program, as determined to be appropriate by FNS.

1004.35.05.05 Enrollment Defined

REV:06/1987

1004.35.10 Treatment of Income and Resources
REV:06/1987

1004.40 SOCIAL SECURITY NUMBERS (SSN)
REV:08/2001

The agency representative must explain to applicants and participants that refusal to provide an SSN will result in the disqualification of the individual for whom an SSN is not obtained in accordance with 1004

Ineligible immigrant (non-citizen) household members required by Sections 1002.15 and 1002.15.05 to be included as a household member, can be designated as non-applicants for the purposes of providing a Social Security Number to the agency. Non-applicant household members do not have to provide the agency with a SSN when applying for the U.S. Citizen children. Such members, however, must comply with all required information on income and resources.

For those individuals who provide SSNs prior to certification, recertification, or at any office contact, the agency representative records the SSN and verifies it in accordance with procedures in 1004.40.25.

For individuals who do not know if they have an SSN or are unable to find their SSN, the procedure above is followed.

If the agency determines that a household member has refused or failed without good cause to provide or apply for an SSN, then the individual is ineligible to participate in the Food Stamp Program. The disqualification applies to the individual(s) for whom the SSN is not provided and not to the entire household. The earned or unearned income of an individual disqualified from the program for failure to comply with this requirement must be considered as outlined in Section 1016.20.

1004.40.10.05 Determining Good Cause
REV:06/1987

In determining if good cause exists for failure to comply with the requirement to apply for or provide the agency with an SSN, the agency representative considers information from the household member, the Social Security Administration, and the agency (especially if the agency either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information indicating the household member has applied for the SSN or made every effort to supply SSA with the necessary information must be considered good cause for not complying with this requirement. Good cause does not include delays due to illness, lack of transportation or temporary absence, because the Social Security Administration makes provision for mail-in applications in lieu of applying in person.

If the household member can show good cause why an application for an SSN has not been completed in a timely manner, that person is allowed to participate for one month in addition to the month of application. If the household member applying for an SSN has been unable to obtain the documents required by SSA, the agency representative should make every effort to assist the individual in obtaining these documents.

Good cause for failure to apply must be shown monthly in order for such a household member to continue to participate. Once an application has been filed, the agency must permit the member to continue to participate pending notification to the agency of the household member's SSN.

1004.40.15 Ending Disqualification
REV:08/1987

The household member disqualified may become eligible upon providing the agency with an SSN. Completion of the SS-5 is sufficient to end a disqualification due to failure to comply with the SSN requirement.

1004.40.20 Use of the SSN
REV:06/1987

The agency is authorized to use social security numbers in the administration of the Food Stamp Program. To the extent determined necessary by USDA and HHS, the agency has access to information regarding individual Food Stamp Program applicants and participants who receive benefits under Title XVI of the Social Security Act:

- * to determine such household's eligibility to receive assistance, and the amount of assistance;
- * to verify information related to the benefits of these households;
- * to use the State Data Exchange (SDX) to the maximum extent possible;
- * to prevent duplicate participation;
- * to facilitate mass changes in Federal benefits;
- * to determine the accuracy and/or reliability of information given by households; and
- * to request and exchange information on individuals through the Income and Eligibility Verification System (IEVS).

1004.40.20.05 Entry of SSNs into InRhodes
REV:08/2001

The agency representative must enter the SSN for all recipients of food stamp benefits into InRhodes on the appropriate member panel.

Household members without a Social Security Number should have 666 entered in the SSN field.

1004.40.25 Verification of SSN
REV:08/2001

The agency must verify the Social Security Numbers (SSNs) reported by the household by submitting them to the Social Security Administration (SSA) for verification according to procedures established by the SSA. The agency should not delay the certification for, or issuance of, benefits to an otherwise eligible household solely to verify the SSN of a household member.

Once an SSN has been verified, the agency makes a permanent annotation to its file to prevent the unnecessary reverification of the SSN in the future. The agency accepts as verified an SSN which has been verified by another program participating in the IEVS.

Verification Procedure

The SSNs of all Food Stamp recipients are "data matched" with Social Security Administration files every night. An asterisk (*) indicates the number has been verified and no further action is necessary. When the SSN entered in InRhodes does not match SSA files a "D" will be computer generated in the SSN verification field. The agency representative is required to check the verifications in the case file to insure the correct information has been entered into InRhodes. If there is no error, the agency representative must contact the individual to review the SSN information (including name and date of birth) given to the agency.

If this review indicates that the Food Stamp file is correct, an SS-5 must be submitted to the Social Security Administration with the correct information.

1004.45 IDENTITY
REV:06/1987

The identity of the person making application must be verified.

When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household must be verified.

Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work or school ID, an ID for health benefits or for another assistance or social services program, a voter registration card, wage stubs, or a birth certificate. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document, such as a birth certificate, may be imposed.